

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JAMES M. MALARIK,)
Plaintiff,) Civil Action No. 07 - 785
v.) Chief District Judge Donetta W. Ambrose
PENNSYLVANIA OFFICE OF ATTORNEY)
GENERAL/BUREAU OF NARCOTIC)
INVESTIGATION AND DRUG CONTROL)
AGENT JAMES R. EMBRY CENTER)
POLICE DEPARTMENT - PARTROLMAN)
ANDREW C. HILL TURTLECREEK)
POLICE DEPARTMENT - PATROLMAN)
MARK NOLAND MONROEVILLE POLICE)
DEPARTMENT PENNSYLVANIA OFFICE)
OF ATTORNEY GENERAL - BUREAU OF)
CRIMINAL INVESTIGATIONS - AGENT)
DAVID A. WAUGAMAR)
Defendants.)

MEMORANDUM ORDER

The above captioned case was initiated by the filing of a Motion to Proceed *In Forma Pauperis* (doc. no. 1) on June 8, 2007, and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

Magistrate Judge Lisa Pupo Lenihan filed a Report and Recommendation on October 1, 2007 (doc. no.19), recommending that the Plaintiff's Complaint be dismissed in accordance with the Prison Litigation Reform Act, 28 U.S.C. § 1915(e)(2)(B)(ii) and/or 28 U.S.C. § 1915A for failure to state a claim upon which relief can be granted under 42 U.S.C. § 1983. Plaintiff was served with the Report and Recommendation and advised that he had ten days within which to file objections to

the Report and Recommendation. No objections have been filed.

After review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 7th day of November, 2007;

IT IS HEREBY ORDERED that Plaintiff's Complaint is **DISMISSED** in accordance with the Prison Litigation Reform Act, 28 U.S.C. § 1915(e)(2)(B)(ii) and/or 28 U.S.C. § 1915A for failure to state a claim upon which relief can be granted under 42 U.S.C. § 1983.

IT IS FURTHER ORDERED that the Report and Recommendation (doc. no. 19) of Magistrate Judge Lenihan dated October 1, 2007, is adopted as the Opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

By the Court:



Donetta W. Ambrose
United States District Judge, Chief

cc: Lisa Pupo Lenihan
United States Magistrate Judge

James M. Malarik
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Allegheny County Prison
950 Second Avenue
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